

Minutes of Uxbridge Spring Annual Town Meeting –
13 June 2007
7:00pm
High School Gymnasium

(Continued from Spring Annual Town Meeting of 08 May 2007)

Town Moderator Harold Klei called the continued Spring Annual Town Meeting (“SATM”) to order and led the assembly in the Pledge of Allegiance to the flag.

The Moderator entertained a motion to recess the SATM to convene the Special Town Meeting posted for June 13, 2007. Vote taken: The Moderator declared that the motion passed with a simple majority to recess the SATM.

After the Special Town Meeting was completed¹ and adjourned, the SATM reconvened. The Moderator entertained a new main motion for Article 5. The Moderator read and provided the following written explanation, dated 10 June 2007 to the Town Manager:

The May 8, 2007 Spring Annual Town Meeting was in open debate on the motion under article 5: The Budget, when the meeting adjourned to June 13, 2007. I have received inquiries concerning the proceedings followed during the open debate of The Budget and the proceedings to be followed on June 13th. This letter conveys my decision as Uxbridge’s Town Moderator, whose responsibility is to regulate the proceedings of town meeting, as to what proceedings will be followed on June 13th.

On May 8, 2007, during open debate on The Budget, debate was incorrectly resumed following a passed motion to move the question. If I am to err, I would prefer to err on the side of allowing debate. However, this err means the proceedings concerning The Budget have been incorrectly decided.

On June 13th, upon the resumption of open debate on The Budget, I will recognize and accept a substitute main motion under Article 5. All previous proceedings including main motions, amendments and votes concerning article 5 were incorrectly decided.

As Town Moderator, I shall preside over all Town Meetings, regulate the proceedings thereof, decide all questions of order and make public declaration of all votes. On June 13th, Town Meeting shall and must be allowed to properly debate and to properly decide all motions and all amendments concerning Article 5. This result is both equitable and just as the will of the majority will prevail and the rights of the minority will be protected. The most direct proceeding under my authority to accomplish this equitable and just result is to allow a substitute main motion under Article 5 and to begin open debate anew.

¹ The minutes of the Special Town Meeting of June 13, 2007, will be presented as a separate document.

Selectman James Dwyer presented a Point of Order objecting to a new motion for Article 5 and read the following statement:

Mr. Moderator: I rise on a point of order because what is being proposed is illegal and equally important, contrary to proper procedure spelled out in Town Meeting Time.

The proposed action, as you have stated it, violates the Uxbridge bylaws, Section II, Subsection N: it states "When a question is put [moved – as in the present case] the sense of the meeting shall be determined" in a manner of voting decided by the Moderator.

The proposed action, as you have stated it, further violates the letter and spirit of "Town Meeting Time" the rules governing our Town Meeting – specifically what is and is not permitted once the question has been moved; either to table the question or to put it to a vote. Any motion, including the motion to adjourn to a specific time, as we did, is of doubtful legality when the action called for by the meeting is a vote to determine the sense or intent of that meeting on the question.

I fully recognize your good intentions in suggesting your intended process which we discussed in both a personal telephone conversation and publicly at a meeting of the Uxbridge Board of Selectmen on June 11th. However, the cumulative wisdom of centuries of parliamentary procedures, as summarized in Town Meeting Time, suggests otherwise, specifically that, whether the rules "be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by that what the rule is..."

*The extreme seriousness of the Moderator's responsibility, your responsibility, to put the question under Article 5, or any question, to a vote is best understood by history, specifically in 1902 by a New Hampshire law that "provides that any Moderator who willfully neglects or refuses **to make any vote certain by a poll**, or who willfully violates or neglects to enforce any rule of proceeding which has been established by any vote of the town or otherwise, shall be fined not more than \$500 or imprisoned for not more than six months.*

I respectfully hope that you will seriously consider these objective comments and do not, as you have more than once stated, "err" when it is possible to uphold both the letter and spirit of our rules and traditions. It will be far better to resolve this in this forum than have it resolved by the Attorney General.

In response to the Point of Order, the Moderator noted disagreement with the statement presented by Selectman Dwyer and ruled that the Town Meeting will proceed with a new motion on Article 5.

Selectman Kevin Kuros made a motion to support Article 5 with revision of funding from stabilization:

Move that \$34,708,758.00 be appropriated, as set forth in line items under the column “FY 2008 Town Manager Recommendation” in the budget prepared by the Town Manager for recommendation at the Annual Town Meeting on May 8, 2007, as most recently revised for the Continued Town Meeting on June 13, 2007: provided that the sum of \$1,190,000.00 to be transferred from Stabilization, and the balance to be raised by taxation and transferred from revenue funds as set forth in the column entitled “FY08 projected revenues TM 6/13/07” on the sheet entitled “Revenue Projections – Version 3 Town Meeting 6/13/07; each item considered a separate appropriation. .

Motion was seconded. The Moderator recognized Town Manager Jill R. Myers. A powerpoint presentation was done with Finance Director David Genereux, relating to the motion for Article 5. Copies of the presentation were made available to the public.

Finance Committee recommendation on Article 5 (under new motion): Chairman Mahary noted unfavorable by the majority of the Finance Committee members, as voted at a held earlier that afternoon (._:._).

Harry Romasco made a motion to amend Article 5 to eliminate the \$11,000 addition in the Treasurer’s Salary Budget:

Move to amend line item \$145,100 treasurer/collector salaries be reduced by \$11,000 to read \$192,226.

The motion was seconded. Discussion ensued.

VOTE RECEIVED: The Moderator declared that the vote on Mr. Romasco’s motion to amend Treasurer’s office salary budget by \$11,000 failed to get simple majority so that the motion fails.

The Town Meeting then considered each FY08 Budget Line item (based on the new motion and budget hand-out), with the Moderator seeking input to “hold” any item. The new budget version was distributed and projected on the screen for the assembly. . Discussion on the items and commentary on the process ensued.

David Potter made a motion to restore funding in the amount of \$3,000 to the Council on Aging budget expense line item.

Motion seconded, followed by discussion.

A simple majority is needed to pass motion to amend.

VOTE RECEIVED: Motion to amend passes.

After further discussion, the Moderator re-capped the process and explained that there will have to be a motion for the entire budget after discussion and amendments of line items are complete.

A motion was made and seconded that we vote using a secret ballot. The vote was taken and the Moderator declared that the motion to vote using secret ballot failed to get a simple majority and is defeated.

Peter Ostroskey move to amend the original motion for transfer, to accommodate the increase of funding to the Council on Aging (transfer from stabilization fund):

Move to amend the original motion on Article 5 transfer from stabilization from \$1,190,000 to \$1,193,000.

The motion was seconded. The vote was taken. The Moderator declares that the motion received a simple majority and the motion passes.

Discussion ensued regarding the consequences of not passing the main motion, therefore the FY 08 budget.

After further discussion on the main motion, the question was moved.

VOTE RECEIVED: The Moderator declared a 2/3 vote was achieved and the motion to move the question passes.

A hand count on the main motion was conducted, with a 2/3 vote needed to pass. The Moderator declared that at least 2/3 voted in the affirmative and the motion carries.

A standing vote was requested. A 2/3 vote (239) was needed for passage. The vote was 276 – 83 so the motion carried.

David Potter made a motion to reconsider. A 2/3 majority is needed for reconsideration. After a hand vote, the Moderator declared that the motion to reconsider to not have a 2/3 vote. The motion for reconsideration was defeated.

ARTICLE 6: CAPITAL IMPROVEMENT PROGRAM/PROJECTS

To see if the Town will vote to raise and appropriate or transfer and appropriate from available funds, including funds previously appropriated to other uses, a sum or sums of money to accounts for capital projects to be specified at the Spring Annual Town Meeting, or take any action relative thereto or thereon.

SPONSOR: Town Manager

Commentary: *This article has been postponed to a Special or Fall Town Meeting once Free Cash has been certified with an expected request for a debt exclusion and/or Proposition 2½ override to fund a comprehensive, multi-year Capital Program (Town and School Depts) as recommended by the Capital Committee.*

MOTION: No motion.

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation.
There will be no motion on the article.

VOTE NEEDED: N/A

No Motion, No Action on Article 6.

ARTICLE 7: SEWER DEPARTMENT BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Sewer Department Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Sewer Department Enterprise Fund received during fiscal year 2008. Said sum to be spent under the direction of the Superintendent of Public Works, or take any other action related thereto.

SPONSOR: Town Manager

MOTION: Move that the sums set forth in the last column below ("FY08 Budget TM Recommended"), up to and including the line entitled "Total" be appropriated to the FY08 Sewer (Waste Water) Department Enterprise Fund Account to be expended for the respective purposes set forth in the third column, each item being considered a separate appropriation.

Sewer (Waste Water) Dept. Enterprise Fund			FY 07 Budget	FY 08 Budget Dept. Request	FY08 Budget TM Recommended
440100	Wastewater	Salaries	\$287,814.00	\$ 321,201.00	\$ 322,973.00
440200	Wastewater	Expenses	\$539,814.00	\$ 538,994.00	\$ 540,794.00
440700	Wastewater	Debt	\$ 89,178.00	\$ 87,938.00	\$ 87,938.00
440500	Wastewater	Equipment Replacement	\$ -	\$ 263,000.00	\$ 5,000.00
		Subtotal Expenses	\$628,992.00	\$ 889,932.00	\$ 633,732.00
		Total	\$916,806.00	\$1,211,133.00	\$ 956,705.00

\$956,705.00 to come from enterprise revenues.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-0).

VOTE NEEDED: Requires a simple majority provided none of the money is coming from Stabilization.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 8: WATER DEPARTMENT BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Water Department Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Water Department Enterprise Fund received during fiscal year 2008. Said sum to be spent under the direction of the Superintendent of Public Works, or take any other action related thereto.

SPONSOR: Town Manager

MOTION: Move that the sums set forth in the last column below ("FY08 Budget TM Recommendation"), up to and including the line entitled "Total", be appropriated to the FY08 Water Department Enterprise Fund Account to be expended for the respective purposes set forth in the third column, each item being considered a separate appropriation.

Water Department Enterprise Fund			FY 07 Budget	FY 08 Budget Dept. Request	FY08 Budget TM Recommendation
450100	Water	Salaries	\$307,315.00	\$ 330,532.00	\$ 332,304.00
450200	Water	Expenses	\$341,866.00	\$ 371,426.00	\$ 390,226.00
450700	Water	Debt	\$135,730.00	\$ 259,822.00	\$ 259,822.00
450500	Water	Equipment Replace.	\$ -	\$ 98,000.00	\$ 80,000.00
		Subtotal Expenses	\$477,596.00	\$ 729,248.00	\$ 730,048.00
		Total	\$784,911.00	\$1,059,780.00	\$ 1,062,352.00

\$1,062,352.00 to come from enterprise revenues.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-0).

VOTE NEEDED: Requires a simple majority provided none of the money is coming from Stabilization.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 9: AMBULANCE DIVISION BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries and expenses of the Ambulance Division Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Ambulance Division received during fiscal year 2008. Said sum to be spent under the direction of the Fire Chief, or take any other action related thereto.

SPONSOR: Town Manager

MOTION: Move that the sums set forth in the last column below ("FY08 Budget TM Recommendation"), up to and including the line entitled "Total", be appropriated to the FY08 Ambulance Division Enterprise Fund Account to be expended for the respective purposes set forth in the third column, each item being considered a separate appropriation.

Ambulance Division Enterprise Fund			FY 07 Budget	FY 08 Budget Dept. Request	FY08 Budget TM Recommendation
231100	Ambulance	Salaries	\$342,039.00	\$ 346,645.00	\$ 347,449.00
231200	Ambulance	Expenses	\$121,230.00	\$ 120,787.00	\$ 125,787.00
231500	Ambulance	Special Outlay	\$ 60,000.00	\$ -	\$ 20,000.00
		Subtotal Expenses	\$181,230.00	\$ 120,787.00	\$ 145,787.00
		Total	\$523,269.00	\$ 467,432.00	\$ 493,236.00

\$493,236.00 to come from enterprise revenues.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-0).

VOTE NEEDED: Requires a simple majority provided none of the money is coming from Stabilization.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 10: CABLE ACCESS

To see if the Town will vote to transfer a sum or sums of money for the salaries and expenses of the Cable PEG Access for the ensuing fiscal year, such sums of money to be offset by Cable PEG Access "Receipts Reserved for Appropriation Account", or take any other action related thereto.

SPONSOR: Town Manager

MOTION: Move that the sums set forth in the last column below ("FY08 Budget TM Recommendation"), up to and including the line entitled "Total" be appropriated to the FY08 Cable PEG Access budget to be expended for the respective purposes set forth in the first column, each item being considered a separate appropriation.

Cable PEG Access		FY 07 Budget	FY 08 Budget Dept. Request	FY08 Budget TM Recommendation
	Salaries	\$ 49,665.00	\$ 50,000.00	\$ 50,958.00
	Expenses	\$ 72,335.00	\$ 24,082.00	\$ 24,082.00
	Capital Outlay	\$	\$ 50,000.00	\$ 50,000.00
	Subtotal Expenses	\$ 72,335.00	\$ 74,082.00	\$ 74,082.00
	Total	\$ 122,000.00	\$ 124,082.00	\$ 125,040.00

\$125,040.00 to come from the Cable PEG Access Receipts Reserved for Appropriation.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-0).

VOTE NEEDED: Requires a simple majority provided none of the money is coming from Stabilization. Stabilization requires a 2/3 vote.

VOTE RECEIVED: The Moderator declares that the motion passes.

**ARTICLE 11: APPROPRIATION TO FUND GOOD SHEPHERD SCHOOL
BUILDING RENT**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to pay FY08 annual rent and associated costs for utilities in the Good Shepherd School Building, or take any other action related thereto.

SPONSOR: School Committee

MOTION: Move that the town vote to transfer and to appropriate the sum of \$120,000 from Stabilization to the Good Sheppard Lease account # 001-395-5271-0000-000-2-0000-0-0 to pay FY08 annual rent and associated costs for utilities in the Good Shepherd School Building which currently houses Pre-K through Kindergarten classes.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-1).

VOTE NEEDED: Requires a 2/3 vote.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 12: MASTER PLAN

To see if the Town will vote to raise and appropriate and /or transfer from available funds, a sum of money, not to exceed \$120,000, to fund a Town Master Plan, or take any other action related thereto.

SPONSOR: Capital Planning Committee and Finance Committee

MOTION: No motion.

RECOMMENDATION OF THE FINANCE COMMITTEE: To pass over and defer the article until the Fall Annual Town Meeting (7-0). The Finance Committee believes that developing a Master Plan is a critical step in the future for the Town. Scheduling issues did not allow a full discussion with the Planning Board, but at the Finance Committee public hearing on the article, the Chair of the Planning Board was in support of this endeavor. Additionally, during the Finance Committee public hearings, several department heads and members of the public expressed interest in being involved in this effort. We recommend deferring this article because of the present budget situation and we encourage those who wanted to take a leadership role in developing the plan to begin the internal process now and the Finance Committee will call the first meeting shortly after the Spring Annual Town Meeting.

VOTE NEEDED: N/A

No Motion, No Action on Article 12.

ARTICLE 13: JOINT RECYCLING PROGRAM WITH TOWN OF BLACKSTONE

To see if the Town will vote to raise and appropriate and/or transfer from available funds \$3,500.00 to fund a joint FY08 recycling program with the Town of Blackstone, or take any other action related thereto.

SPONSOR: Board of Health

Commentary: The participation cost has been substantially reduced from FY07. Stickers are sold in the office of the Board of Health.

MOTION: Move to raise \$3,500.00 and appropriate to account # 002-510-5301-0000-000 to fund a joint recycling program with the Town of Blackstone.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0). This is the third year of a program established at a previous Town Meeting.

VOTE NEEDED: Requires a simple majority provided none of the money is coming from Stabilization. Stabilization requires a 2/3 vote.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 14: CENTRAL MA MOSQUITO CONTROL DISTRICT

To see if the Town will vote to become a member in the Central Massachusetts Mosquito Control Project, pursuant to Massachusetts General Laws Chapter 252, Section 5A and other applicable sections of said law, and to raise and appropriate and /or transfer from available funds if applicable for such membership, or take any action relative thereto.

SPONSOR: Board of Health

Commentary: *Funding for this program is estimated at \$56,080 to be an assessment on the FY08 Cherry Sheet - a reduction to Cherry Sheet (State Aid) revenue. No appropriation is required.*

MOTION: Move to participate in the Central Massachusetts Mosquito Control Project.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (5-2). This article funds (\$57,000) Uxbridge becoming a member of the Central Mass Mosquito Control Project. As mosquito based infections increase in Massachusetts, support of this article provides the Town citizens some options to address this issue. This is a trial process and must be refunded each year.

VOTE NEEDED: Requires a simple majority provided none of the money is coming from Stabilization. Stabilization requires a 2/3 vote.

The Finance Committee announced that they subsequently (6/13/07) recommended no action at this point in time and suggested that the motion could be moved to the fall town meeting.

Julie Woods moved to table the article. The motion to table was seconded.

Discussion ensued, with Julie Woods asking if she could withdraw the motion to table to allow the Board of Health to discuss the article. The Moderator ruled that she could not. A vote was taken on the motion to table motion, with a 2/3 vote needed. The motion to table failed with less than a 2/3 vote.

Discussion ensued.

Finance Director David Genereux noted that passage of this article would not require a transfer from stabilization, but would be charged as an assessment to the cherry sheet, reducing available state aid revenues.

A motion was made and seconded to move the question. The motion to move the question received the 2/3 needed for passage.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 15: PAY AS YOU THROW TRASH COLLECTION/RECYCLING FUND

To see if the Town vote to establish a Solid Waste and Recycling Enterprise fund pursuant to the provisions of G.L. Ch. 44 sec. 53F ½ to be effective July 1, 2007, or take any action relative thereto.

SPONSOR: Board of Health

Commentary: *This action establishes the account, not the program, which will be discussed and presented at a future Town Meeting.*

MOTION: Move to establish a Solid Waste and Recycling Enterprise fund pursuant to the provisions of MGL. Ch. 44 sec. 53F ½ to be effective July 1, 2007.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-0-1). This article sets up an enterprise account and begins the RFP process to implement a service of solid waste and recycling services for the Town. There will need to be a second vote in the future to fund the account once a service provider is chosen.

VOTE NEEDED: Requires a simple majority.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 16: REVOLVING FUND ACCOUNTS

To see if the Town will vote to establish and authorize GLc.44, §53e ½ revolving funds for the continuation of: engineering and legal costs, not to exceed \$50,000, derived from Planning Board fees, under the Planning Board; engineering and legal costs, not to exceed \$15,000, derived from Zoning Board of Appeals fees, under the Zoning Board of Appeals; Library book repairs, not to exceed \$6,000, derived from late fines and fees, under the Library Trustees; recreation program costs, not to exceed \$10,000, to be derived from program fees, under the Recreation Committee; recycling program costs, not to exceed \$2,000, derived from disposal fees, under the Board of Health; engineering costs, not to exceed \$50,000, derived from septic permits and inspection fees, under the Board of Health; compost bin costs, not to exceed \$2,000, derived from compost bin sales, under the Board of Health; or take any other action related thereto.

SPONSOR: Town Manager

Commentary: *Annual re-establishment of revolving funds. No appropriation is required; funded by fees charged.*

MOTION: Move to establish and authorize the following 53e ½ revolving funds for the continuation of: Library book repairs, not to exceed \$6,000, derived from late fines and fees, under the Library Trustees; recreation program costs, not to exceed \$10,000, to be derived from program fees, under the Recreation Committee; and recycling program costs, not to exceed \$2,000, derived from disposal fees, under the Board of Health.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0). Favorable action is for the Library book repairs, recreation programs and BOH compost bin revolving accounts.

VOTE NEEDED: Requires a simple majority.

Finance Committee Member Christine Horwath offered an amendment to the main article: *Library book repairs, not to exceed \$12,000, to be arrived from late fines and fees* (to replace the line that reads Library book repairs not to exceed \$6,000). The amendment was seconded.

The amendment passed with the simple majority vote required.

VOTE RECEIVED: The Moderator declares that the amended motion passed.

ARTICLE 17: PURCHASE OF WELLHEAD PROTECTION LAND

To see if the Town will vote to transfer a sum or sums of money from the Water Enterprise Fund to the Water Capital Outlay account # 650.450.5850.5.0004 for the purpose of acquiring +/-4.87 acres of wellhead protection land from the Bouchard family abutting the Blackstone Street well field. Said parcel is more specifically described as Parcel "C" as shown on a plan entitled "Division of Land Blackstone Street Uxbridge Massachusetts" prepared by Andrews Survey and Engineering, Inc, dated 11-09-05 and being a portion of deed 5315/472, Plan Book 319, Plan 108 (map 26, lot 248) owned by William L and Karen Bouchard; or take any other action relating thereto.

SPONSOR: Board of Selectmen (DPW Superintendent)

MOTION: Move to transfer and appropriate \$115,000.00 from the Water Enterprise Fund to the Water Capital Outlay account # 650.450.5850.5.0004 for the purpose of

acquiring +/-4.87 acres of wellhead protection land from the Bouchard family abutting the Blackstone Street well field.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0). This is a continuation of the Water Management plan developed by the Department of Public Works. This increases the buffer zone around the well fields as specified by MGL.

VOTE NEEDED: Requires a simple majority.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 18: IMPROVEMENTS TO THE MUNICIPAL WATER SUPPLY SYSTEM

To see if the Town will vote to appropriate the sum of \$4,600,000.00 for the purpose of improving the Municipal Water Supply System, including the replacement of the 1907 High Street water tank, construction and replacement of water lines from said tank to North Main Street and acquiring any and all easements necessary for the project; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow up to \$4,600,000.00 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to apply for, accept and expend and available federal or state funds or grants and/or gifts of any kind for the purpose of this project; that the Board of Selectmen is authorized to take any other action necessary to carry out this project; and further that while this borrowing shall be a general obligation of the Town, it is the intent of the Town that the principle and interest on this borrowing will be paid for from the Water Enterprise Fund and/or the Water System Development Account; or take any other action relating thereto.

SPONSOR: Board of Selectmen (DPW Superintendent)

MOTION: Move to accept Article 18 as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0). This is a continuation of the Water Management plan developed by the Department of Public Works.

VOTE NEEDED: Requires a 2/3 vote.

VOTE RECEIVED: The Moderator declares that the motion passes.

ARTICLE 19: STABILIZATION FUND BY-LAW

To see if the Town will vote to accept a new Town By-Law for the Stabilization Fund, By-Law Number _____ Stabilization Fund “ at the Spring Annual Town Meeting the Stabilization Fund shall be increased so that it's balance is equal to 5% of the proposed operating budget" or take any other action relative thereto.

SPONSOR: Finance Committee

MOTION: No motion.

RECOMMENDATION OF THE FINANCE COMMITTEE: No action (7-0). The Committee feels strongly that the Town has to become more diligent in funding the Stabilization Fund and keeping the Fund at a suitable level. This allows the Town to keep a strong bond rating and provide funds for Town emergencies. The Committee will establish a financial policy to address this issue.

VOTE NEEDED: N/A

Peter Baghdasarian moved passage of Article 19.

Mr. Baghdasarian spoke to the motion and then asked to withdraw it.

The Moderator asked for unanimous consent to withdraw the motion, which the assembly granted.

No Action on Article 19

ARTICLE 20: ACCEPTANCE OF MGL CHAPTER 32 B, SECTION 18 – MEDICARE HEALTH BENEFITS FOR TOWN RETIREES

To see if the Town will vote to accept the provisions of G.L. c. 32B, Section 18, requiring that all eligible retirees of the Town utilize the federal Medicare program for health insurance, by voting that the Town shall require all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, his/her spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, his/her spouse or dependents, to enroll in a medicare health benefits supplement plan offered by the Town, or take any action relative thereto.

SPONSOR: Board of Selectmen/Town Manager

Commentary: *Acceptance of Section 18 will require all Medicare eligible Town & School retirees to migrate from the Town's active health benefit plans to the Town's Medicare supplement plans. While the majority of retirees are on the Medicare supplement plans, a small number of retirees are commingled within the Town's active plans. This adversely affects the Town's claims experience which is a component of the rate setting process. The Medicare supplement plans offer comparable benefits, depending on the retiree's choice of plan, and offer nationwide access. Retirees will not lose the ability to be insured and the Town's contribution will remain the same with the Town paying 80% of retiree's health insurance premium. The benefits offered are comparable to the existing active plans, and the Town contributes to Medicare for any employee hired after 1986. This part of a strategy to identify cost savings to the Town and to mitigate future increase to subscribers. At the time of the writing of this commentary, it is recommended to postpone any action until the Fall Annual Town Meeting (11/06) to further review of comprehensive cost saving measures. Enrollment for these plans occur in January 2008. For further description of MGL, please see: <http://www.mass.gov/legis/laws/mgl/32b-18.htm>*

MOTION: No motion.

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation.

There will be no motion on the article.

VOTE NEEDED: N/A

No Motion, No Action on Article 20

ARTICLE 21: ASSOCIATE PLANNING BOARD MEMBER

To see if the Town will vote to amend the Uxbridge Zoning By-laws as allowed under MGL C.40A S.9 by adding a new Section XV to read as follows "The Town Manager

may appoint one associate member to the Planning Board who may sit on the Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board” and renumber the By-law accordingly; or take any other action relative thereto.

SPONSOR: Planning Board

***Commentary:** Special Permits require a “super majority” vote of four members. The Associate member will serve in place of a Planning Board member to retain the Board composition of five members. Such action will provide for better efficiencies to applicants in the hearing process, in the case a member is absent more than two meetings or has to recuse him/herself and is permissible under state statute. Town Counsel advised that a Charter amendment is not required (5/1/07).*

MOTION: Move to amend the Uxbridge Zoning Bylaws as allowed under MGL C.40A S.9 by adding a new Section XV to read as follows: “The Town Manager may appoint one associate member to the Planning Board who may sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board” and renumber the Bylaws accordingly.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (5-2). The Committee feels that approval of this article will increase the efficiency of the planning process and will benefit the community. An amendment to the Charter is required in concert with this bylaw.

VOTE NEEDED: Requires a 2/3 vote and a Planning Board report.

The Planning Board gives favorable recommendation to Article 21.

In response to inquiry, Town Counsel reported that passage of Article 21 does not require a change in the Town of Uxbridge Charter.

The motion passed with the 2/3 vote required.

VOTE RECEIVED: The Moderator declares that the motion passes.

A motion was made and seconded to dissolve the 2007 Annual Town Meeting at ____p.m..

There was a unanimous vote to dissolve.

A True Attest,

Joseph H. Kaplan
Uxbridge Town Clerk